

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste regulations, LAC 33:V.Chapters 1, 3, 9, 11, 13, 15, 22, 30, 38, 39, 40, 41, 43, and 49 (Log #HW075F).

The proposed rule will make Louisiana's classification and hazardous waste management requirements for small quantity generators equivalent to federal requirements. Louisiana's present classification system for small quantity generators of hazardous waste differs from the EPA small quantity generator classification system. The differences have resulted in confusion and unnecessary paperwork, with no environmental benefit. The basis and rational for this rule are to be equivalent to federal regulations.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on January 25, 2001, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Persons commenting should reference this proposed regulation by HW075F. Such comments must be received no later than February 1, 2001, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to FAX (225) 765-5095. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of HW075F.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 201 Evans Road, Building

4, Suite 420, New Orleans, LA 70123; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

RULEMAKING PACKAGE EXPLANATORY NOTICE

Act 274 of the 1993 Legislative Session required that DEQ propose a rule that is not identical to, or not required for compliance with a federal law or regulation, separately from rules that are identical to, or required for compliance with federal law or regulation. The law defines “identical” as having the same content and meaning as the corresponding federal law or regulation. The following is provided to clarify this package:

- **“F Package”**—proposed regulations which are identical to or required for compliance with a federal law or regulation (i.e., HW075F).
- **“L Package”**—contains additional proposed requirements which are not identical to, or required by a federal law or regulation (i.e., HW075L).
- **BOLD SMALL CAPS**—type style used in the “L” document only to indicate non-federal proposed regulations.
- **Strikeout**—used to indicate that text is being deleted.
- **Underline**—used to indicate that text is being added.
- the phrase shown below in brackets directs the reader to existing language in the regulations which precedes the paragraph being addressed.

* * *

[See Prior Text in 105.A – D.5]

- the phrase shown below directs the reader to new proposed text in the “F” package.

* * *

[See New Text In F Package]

- the phrase shown below directs the reader to amended text in the “F” package.

* * *

[See Amended Text In F Package]

This will only be used for rules which have both an “F” and “L” version and only when the text is entirely new in both. Example: The “F” version adds §108.G.3, the “L” version adds two additional requirements §108.G.4 and 5. The reader would be instructed by the bracketed note to refer to the “F” package to follow and understand the intent of the added requirements in the “L” package.

[Note: This package may not contain all of the items listed above]

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental QualityC Hazardous Waste

Chapter 1. General Provisions and Definitions

' 105. Program Scope

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or TSD unit under LAC 33:V.706. Definitions appropriate to these rules and regulations, including "solid waste" and "hazardous waste," appear in LAC 33:V.109. Those wastes which are excluded from regulation are found in this Section.

* * *

[See Prior Text in A - D.5]

a. Except as provided in Subsection D.5.b of this Section, persons who generate or collect samples for the purpose of conducting treatability studies as defined in LAC 33:V.109 are not subject to any requirement of LAC 33:V.Chapters 9, 11, 13, or 49, or to the notification requirements of Subsection A of this Section, nor are such samples included in the quantity determinations of LAC 33:V.~~3903-3915~~108 and ~~LAC 33:V.1109.E.7~~ when:

* * *

[See Prior Text in D.5.a.i - O.2.c.vi]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217 (March 1990), LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362 (April 1991), LR 17:368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813 (September 1996), LR 22:831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid And Hazardous Waste, Hazardous Waste Division, LR 23:564 (May 1997), LR 23:567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952

(August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687 (September 1998), LR 24:1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464 (November 2000), LR 27:**.

' 108. Special Requirements for Hazardous Waste Generated by Conditionally Exempt Small Quantity Generators

A. A generator is a conditionally exempt small quantity generator in a calendar month if he generates no more than 100 kg of hazardous waste in that month.

B. Except for those wastes identified in Subsections E, F, G, and J of this Section, a conditionally exempt small quantity generator's hazardous wastes are not subject to regulation under the notification requirements of LAC 33:V.105.A and Chapters 3 - 37, 41, 43, and 53, except for LAC 33:V.Chapter 31.Table 1, provided the generator complies with the requirements of Subsections F, G, and J of this Section.

C. When making the quantity determinations of this Section and LAC 33:V.Chapter 11, the generator must include all hazardous waste that it generates, except hazardous waste that:

1. is exempt from regulation under LAC 33:V.105.D.3 - 6 and 8, 109.Empty Container.1, and 4105.B; or

2. is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in LAC 33:V.109; or

3. is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under LAC 33:V.4115.B; or

4. is used oil managed under the requirements of LAC 33:V.4105.E and Chapter 40; or

5. is spent lead-acid batteries managed under the requirements of LAC 33:V.4145; or

6. is universal waste managed under LAC 33:V.105.D.7 and Chapter 38.

D. In determining the quantity of hazardous waste generated, a generator need not include:

1. hazardous waste when it is removed from on-site storage; or

2. hazardous waste produced by on-site treatment (including reclamation) of its

hazardous waste, so long as the hazardous waste that is treated was counted once; or

3. spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been counted once.

E. If a generator generates acute hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acute hazardous waste are subject to full regulation under the notification requirements of LAC 33:V.105.A and LAC 33:V.Chapters 3 - 37, 41, 43, 51, and 53:

1. a total of one kg of acute hazardous wastes listed in LAC 33:V.4901.B, C, or E;
or

2. a total of 100 kg of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous wastes listed in LAC 33:V.4901.B, C, or E.

[Comment: Full regulation means those regulations applicable to generators of greater than 1,000 kg of non-acutely hazardous waste in a calendar month.]

F. In order for acute hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those set forth in Subsection E.1 or 2 of this Section to be excluded from full regulation under this Section, the generator must comply with the following requirements:

1. LAC 33:V.1103;

2. the generator may accumulate acute hazardous wastes on-site. If he accumulates at any time acute hazardous wastes in quantities greater than those set forth in Subsection E.1 or 2 of this Section, all of those accumulated wastes are subject to regulation under the applicable notification requirements of LAC 33:V.105.A and LAC 33:V.Chapters 3 - 37, 41, 43, 51, and 53. The time period of LAC 33:V.1109.E, for accumulation of wastes on-site, begins when the accumulated wastes exceed the applicable exclusion limit;

3. a conditionally exempt small quantity generator may either treat or dispose of its acute hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the United States, is:

a. permitted under 40 CFR 270 or LAC 33:V.Chapters 3 - 7;

b. in interim status under 40 CFR 270 and 265 or LAC 33:V.Chapters 3 - 7
and 43;

c. authorized to manage hazardous waste by a state with a hazardous waste management program approved under 40 CFR 271;

d. permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill, is subject to 40 CFR 258;

e. permitted, licensed, or registered by a state to manage nonmunicipal, nonhazardous waste and, if managed in a nonmunicipal, nonhazardous waste disposal unit after January 1, 1998, is subject to the requirements in 40 CFR 257.5 - 257.30; or

f. a facility which:

i. beneficially uses or reuses, or legitimately recycles or reclaims, its waste; or

ii. treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or

g. for universal waste managed under LAC 33:V.Chapter 38, a universal waste handler or destination facility subject to the requirements of 40 CFR 273 or LAC 33:V.Chapter 38.

G. In order for hazardous waste generated by a conditionally exempt small quantity generator in quantities of less than 100 kg of hazardous waste during a calendar month to be excluded from full regulation under this Section, the generator must comply with the following requirements:

1. LAC 33:V.1103;

2. the conditionally exempt small quantity generator may accumulate hazardous waste on-site. If it accumulates at any time more than a total of 1000 kg of its hazardous wastes, all of those accumulated wastes are subject to regulation under the special provisions of LAC 33:V.Chapter 11 applicable to generators of between 100 kg and 1000 kg of hazardous waste in a calendar month as well as the requirements of LAC 33:V.Chapters 3 - 9, 13 - 37, 41, 43, 51, and 53, and the applicable notification requirements of LAC 33:V.105.A. The time period of LAC 33:V.1109.E for accumulation of wastes on-site begins for a conditionally exempt small quantity generator when the accumulated wastes exceed 1000 kg; and

3. a conditionally exempt small quantity generator may either treat or dispose of his hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the United States, is:

a. permitted under 40 CFR 270 or LAC 33:V.Chapters 3 - 7;

b. in interim status under 40 CFR 270 and 265 or LAC 33:V.Chapters 3 - 7 and 43;

c. authorized to manage hazardous waste by a state with a hazardous waste management program approved under 40 CFR 271;

d. permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill, is subject to 40 CFR 258;

e. permitted, licensed, or registered by a state to manage nonmunicipal, nonhazardous waste and, if managed in a nonmunicipal, nonhazardous waste disposal unit after January 1, 1998, is subject to the requirements in 40 CFR 257.5 - 257.30; or

f. a facility that:

i. beneficially uses or reuses, or legitimately recycles or reclaims, its waste; or

ii. treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or

g. for universal waste managed under LAC 33:V.Chapter 38, a universal waste handler or destination facility subject to the requirements of 40 CFR 273 or LAC 33:V.Chapter 38.

H. Hazardous waste subject to the reduced requirements of this Section may be mixed with nonhazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this Section, unless the mixture meets any of the characteristics of hazardous waste identified in LAC 33:V.4903.

I. If any person mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this Section, the mixture is subject to full regulation.

J. If a conditionally exempt small quantity generator's wastes are mixed with used oil, the mixture is subject to LAC 33:V.Chapter 40 if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated if it is destined to be burned for energy recovery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:**.

' 109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise:

* * *

[See Prior Text]

Empty Container

1. a. any hazardous waste remaining in either of the following is not subject to regulation under LAC 33:V.Chapters 1-29, 31- ~~39~~38, 43, 49, or to the notification requirements of LAC 33:V.105.A:

* * *

[See Prior Text in Empty Containter.1.a.i - Sludge Dryer]

Small Quantity GeneratorCa generator who generates less than ~~400~~1000 kg of hazardous waste in a calendar month.

* * *

[See Prior Text]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:47 (January 1990), LR 16:218 (March 1990), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000),), LR 26:2465 (November 2000), LR 27:**.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental QualityC Hazardous Waste

Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits

' 303. Overview of the Permit Program

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[See Prior Text in A - E]

1. Owners and operators of existing TSD facilities must submit Part I of their permit application requirements listed in LAC 33:V.515 to the administrative authority no later than 30 days after the date they first become subject to the permitting standards set forth in LAC 33:V.Subpart 1. Generators generating ~~less~~greater than 100 kilograms kg, but less than 1000 kg, of hazardous waste in a calendar month who treat, store, or dispose of these wastes on-site must submit a Part I RCRA permit application by March 24, 1987.

* * *

[See Prior Text in E.2 - Q]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 14:790 (November 1988), LR 16:220 (March 1990), LR 17:478 (May 1991), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 21:564 (June 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2466 (November 2000), LR 27:**.

' 305. Scope of the Permit

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[See Prior Text in A - C.1]

2. generators who accumulate hazardous waste in an environmentally sound manner, on-site for less than ~~90 days in accordance with~~ the time periods provided in LAC 33:V.1109.E;

* * *

[See Prior Text in C.3]

4. persons who own or operate facilities solely for the treatment, storage, or

disposal of hazardous waste excluded ~~by being small generators, if so specifically exempted by the administrative authority~~ from regulation under LAC 33:V.105.D or 108 (small generator exemption);

* * *

[See Prior Text in C.5 - H]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 23:567 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1105 (June 1998), LR 24:1690 (September 1998), LR 24:1759 (September 1998), LR:25:435 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:**.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental QualityC Hazardous Waste

Chapter 9. Manifest System for TSD Facilities

' 909. Unmanifested Waste Report

If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in LAC 33:V.1307.E.2, and if the waste is not excluded from the manifest requirements by LAC 33:V.108, then the owner or operator must prepare and submit a single copy of a report to the administrative authority within 15 days after receiving the waste. ~~Such unmanifested waste storage, treatment, or disposal shall be covered by the facility permit or an emergency permit (LAC 33:V.701), and treatment or disposal shall not occur until approval of the administrative authority is given.~~ The unmanifested waste report must be submitted to the Office of Environmental Services, Environmental Assistance Division. Such report must be designated "Unmanifested Waste Report" and include the following information:

* * *

[See Prior Text in A - G]

[Comment: Small quantities of hazardous waste are excluded from regulation under LAC 33:V.Chapters 9, 15 -21, 23 - 29, and 31 - 37 and do not require a manifest. Where a facility receives unmanifested hazardous wastes, the department suggests that the owner or operator obtain from each generator a certification that the waste qualifies for exclusion. Otherwise, the department suggests that the owner or operator file an unmanifested waste report for the hazardous waste movement.]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 17:364 (April 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2469 (November 2000), LR 27:**.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental QualityC Hazardous Waste

Chapter 11. Generators

' 1101. Applicability

* * *

[See Prior Text in A - H]

I. LAC 33:V.108.C and D must be used to determine the applicability of provisions of this Chapter that are dependent on calculations of the quantity of hazardous waste generated per month.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:398 (May 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 22:20 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:660 (April 1998), LR 24:1106 (June 1998), LR 24:1693 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:**.

' 1107. The Manifest System

* * *

[See Prior Text in A - A.3]

4. ~~Reserved~~The requirements of this Section do not apply to hazardous waste produced by generators of greater than 100 kg, but less than 1000 kg, in a calendar month where:

a. the waste is reclaimed under a contractual agreement pursuant to which:

i. the type of waste and frequency of shipments are specified in the agreement;

ii. the vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and

b. the generator maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement.

* * *

[See Prior Text in A.5 - D.6]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality,

Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 12:319 (May 1986), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:1256 (November 1992), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:267 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), LR 27:**.

' 1109. Pre-Transport Requirements

* * *

[See Prior Text in A - E.6]

7. A generator who generates greater than 100 kg, but less than 1000 kg, of hazardous waste in a calendar month may accumulate hazardous waste on-site for ~~90~~180 days or less without a permit or without having interim status provided that:

* * *

[See Prior Text in E.7.a]

- b. the generator complies with the requirements of LAC 33:V.4301.E.438;
- c. the generator complies with the requirements of LAC 33:V.1109.E.1.c and d; the requirements of LAC 33:V.Chapter 43.Subchapter B; and the requirements of LAC 33:V.2245.ED;

* * *

[See Prior Text in E.7.d - d.iv.(c).(v)]

- e. the quantity of waste accumulated on-site never exceeds 6000 kg.

8. A generator who generates greater than 100 kg, but less than 1000 kg, of hazardous waste in a calendar month and who must transport its waste, or offer its waste for transportation, over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status provided that the generator complies with the requirements of Subsection E.7 of this Section.

9. A generator who generates greater than 100 kg, but less than 1000 kg, of hazardous waste in a calendar month and who accumulates hazardous waste in quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport his waste, or offer his waste for transportation, over a distance

of 200 miles or more) is an operator of a storage facility and is subject to the requirements of LAC 33:V.Chapters 9, 15 - 21, 23 - 29, 31 - 37, 43, and 51 and the permit requirements of LAC 33:V.Chapters 3 - 7 unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. Such extension may be granted by the administrative authority if hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the administrative authority on a case-by-case basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 16:47 (January 1990), LR 16:220 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:277 (February 2000), LR 26:2470 (November 2000), LR 27:**.

' 1111. Recordkeeping and Reporting

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[See Prior Text in A - B.2]

C. Exception Reporting

1. A generator of greater than 1000 kg of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 435 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.

2. A generator of greater than 1000 kg of hazardous waste in a calendar month must submit an Exception Report to the Office of Environmental Services, Environmental Assistance Division if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include:

* * *

[See Prior Text in C.2.a -b]

3. A generator of greater than 100 kg, but less than 1000 kg, of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by

the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the Office of Environmental Services, Environmental Assistance Division.

NOTE: The submission to the administrative authority need only be a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received.

* * *

[See Prior Text in D]

~~E. Quarterly Reports. Generators who dispose of hazardous waste on site shall submit a quarterly report (form approved by the administrative authority) no later than 15 days after the beginning of the quarter to the Office of Environmental Services, Environmental Assistance Division reporting total quantities (calculated on a daily basis), by type of waste handled, and how that waste was disposed of during the previous calendar quarter, and shall retain on site a copy of the report for at least three years from the date of disposal. Special Requirements for Generators of Between 100 and 1000 kg/month. A generator of greater than 100 kg, but less than 1000 kg, of hazardous waste in a calendar month is subject only to the following requirements in this Section:~~

1. Subsection A.1, 3, and 4 of this Section, recordkeeping;
2. Subsection C.3 of this Section, exception reporting; and
3. Subsection D of this Section, additional reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:220 (March 1990), LR 17:365 (April 1991), LR 20:1000 (September 1994), LR 20:1109 (October 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), LR 27:**.

' 1113. Exports of Hazardous Waste

* * *

[See Prior Text in A - G.1.d]

e. ~~except for hazardous waste produced by exporters of less than 100 kg, but less than 1000 kg, in a calendar month, unless provided pursuant to~~ except for hazardous waste produced by exporters of less than 100 kg, but less than 1000 kg, in a calendar month, unless provided pursuant to in accordance with LAC 33:V.1111.B in even numbered years:

* * *

[See Prior Text in G.1.e.i - f]

2. Reports shall be sent to the administrative authority of the Louisiana Department of Environmental Quality. [Note: This does not relieve the regulated community from the requirement of submitting annual reports in accordance with 40 CFR 262.56 to the Office of Waste Programs Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning,

Targeting, and Data Division (2222A) Environmental Protection Agency, 1200 Pennsylvania Ave, Washington, DC 20460, RCRA Enforcement Division (OS 520), EPA.]

* * *

[See Prior Text in H - I.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 22:20 (January 1996), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:661 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), LR 27:**.

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ENVIRONMENTAL QUALITY
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Chapter 13. Transporters

' 1307. The Manifest System

* * *

[See Prior Text in A - G.4]

H. ~~Transporters who pick up hazardous waste from generators exempted by LAC 33:V.105.D are responsible for the generator manifest requirements. Transporters may use a single manifest for shipments containing waste from several generators if all the generators are listed, all the wastes are accurately described, the wastes transported in the same shipment are compatible, and are labeled as required in this Chapter, LAC 33:V.1107.A.5 and 1109. A transporter transporting hazardous waste from a generator who generates greater than 100 kg, but less than 1000 kg, of hazardous waste in a calendar month need not comply with the requirements of this Section or those of LAC 33:V.1311 provided that:~~

1. the waste is being transported in accordance with a reclamation agreement as provided for in LAC 33:V.1107.A.4;

2. the transporter records, on a log or shipping paper, the following information for each shipment:

i. the name, address, and EPA identification number of the generator of the waste;

ii. the quantity of waste accepted;

iii. all DOT-required shipping information; and

iv. the date the waste is accepted;

3. the transporter carries this record when transporting waste to the reclamation facility;
and

4. the transporter retains these records for a period of at least three years after termination or expiration of the agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1109 (October 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:**.

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ENVIRONMENTAL QUALITY
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Chapter 15. Treatment, Storage, and Disposal Facilities

' 1501. Applicability

* * *

[See Prior Text in A - C]

1. the owner or operator of a facility permitted, licensed, or registered to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation by ~~LAC 33:V. Subpart 1~~ LAC 33:V.108;

* * *

[See Prior Text in C.2 - H.13]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 18:1256 (November 1992), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 23:565 (May 1997), LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1106 (June 1998), LR 24:1694 (September 1998), LR 24:1759 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 26:277 (February 2000), LR 27:**.

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ENVIRONMENTAL QUALITY
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Chapter 22. Prohibitions on Land Disposal

Subchapter A. Land Disposal Restrictions

' 2201. Purpose, Scope, and Applicability

* * *

[See Prior Text in A - I.3]

4. ~~Reserved~~ waste generated by small quantity generators of less than 100 kg of nonacute hazardous waste or less than 1 kg of acute hazardous waste per month, as defined in LAC 33:V.108;

* * *

[See Prior Text in I.5 - 5.e]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:398 (May 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:300 (February 1998), LR 24:666 (April 1998), LR 24:1107 (June 1998), LR 24:1724 (September 1998), LR:1759 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 27:**.

' 2205. Storage of Prohibited Wastes

* * *

[See Prior Text in A]

1. A generator may store such wastes in tanks, containers, or containment buildings on-site solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements of LAC 33:V.1109.E, Chapters 9, 15, 17, 18, 19, 21, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 35, 37, 43, and 51. ~~A small quantity generator as defined in LAC 33:V. Chapter 39 may accumulate hazardous waste in accordance with LAC 33:V.3913.~~

* * *

[See Prior Text in A.2 - H]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:220 (March 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1724 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 26:280 (February 2000), LR 27:**.

' 2245. Generators' Waste Analysis, Recordkeeping, and Notice Requirements

* * *

[See Prior Text in A - F]

G. If a generator determines that he is managing a prohibited waste that is excluded from the definition of hazardous or solid waste or exempted from regulation under LAC 33:V.Chapter 1, ~~39~~, or 41 subsequent to the point of generation (including deactivated characteristic hazardous wastes managed in wastewater treatment systems subject to the Clean Water Act (CWA) as specified in LAC 33:V.105.D.1.b, or that are CWA-equivalent, or are managed in an underground injection well regulated by the Solid Disposal Waste Act, SDWA), the generator must place a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from the regulation under LAC 33:V.Subpart 1, and the disposition of the waste, in the facility's on-site file.

H. Generators must retain on-site a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced in accordance with this Section for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the administrative authority. The requirements of this Paragraph apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under LAC 33:V.Chapter 1, ~~39~~, or 41, or exempted from regulation under LAC 33:V.Subpart 1, subsequent to the point of generation.

* * *

[See Prior Text in I - K]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 21:267 (March

1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), LR 22:820 (September 1996), LR 22:1130 (November 1996), LR 23:565 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:669 (April 1998), LR 24:1728 (September 1998), LR 25:447 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:281 (February 2000), LR 26:2478 (November 2000), LR 27:**.

Subchapter B. Hazardous Waste Injection Restrictions

' 2249. Purpose, Scope, and Applicability

* * *

[See Prior Text in A - C.2]

3. ~~until November 8, 1990, if the waste has been determined to be contaminated soil or debris resulting from a response action taken under section 104 or 106 of CERCLA or a corrective action required under RCRA if the waste is generated by a conditionally exempt small quantity generator, as defined in LAC 33:V.108.~~

* * *

[See Prior Text in D - D.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 22:22 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1800 (October 1999), LR 27:**.

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ENVIRONMENTAL QUALITY
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Chapter 30. Hazardous Waste Burned in Boilers and Industrial Furnaces

' 3001. Applicability

* * *

[See Prior Text in A - B.2]

3. hazardous wastes that are exempt from regulation under LAC 33:V.105.D and 4105.B.10-12, and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under LAC 33:V.~~Chapter 39~~108; and

* * *

[See Prior Text in B.4 - F.1.c.Note]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:821 (September 1996), LR 22:835 (September 1996), LR 25:1466 (August 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:**.

' 3017. Small Quantity On-Site Burner Exemption

* * *

[See Prior Text in A - A.4]

B. Mixing with Nonhazardous Fuels. If hazardous waste fuel is mixed with a nonhazardous fuel, the quantity of hazardous waste before such mixing is used to comply with ~~LAC 33:V.3013.A~~Subsection A.1 of this Section.

C. Multiple Stacks. If an owner or operator burns hazardous waste in more than one on-site boiler or industrial furnace exempt under this Section, the quantity limits provided by ~~LAC 33:V.3013.A~~Subsection A.1 of this Section are implemented according to the following equation:

$$\sum_{i=1}^n \frac{\text{Actual Quantity Burned}_{(i)}}{\text{Allowable Quantity Burned}_{(i)}} \leq 1.0$$

where:

n = the number of stacks;

Actual Quantity Burned = the waste quantity burned per month in device "i";

Allowable Quantity Burned = the maximum allowable exempt quantity for stack "i" from the table in LAC 33:V.3017.A.1.

Note: Hazardous wastes that are subject to the special requirements for small quantity generators under ~~LAC 33:V.Chapter 39~~ LAC 33:V.108 may be burned in an off-site device under the exemption provided by LAC 33:V.3017, but must be included in the quantity determination for the exemption.

* * *

[See Prior Text in D - E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:**.

Title 33
ENVIRONMENTAL QUALITY
Part I. Part V. Hazardous Waste and Hazardous Materials
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Chapter 38. Universal Wastes

Subchapter A. General

' 3801. Scope and Applicability

A. This Chapter establishes requirements for managing batteries, pesticides, thermostats, lamps, and antifreeze as described in LAC 33:V.3813. This Chapter provides an alternative set of management standards in lieu of regulations under LAC 33:V.Chapters 1, 3, 5, 7, 9, 11, 13, 15, 17, 18, 19, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 37, 39, 40, 41, 43, 49, and 51Subpart 1.

* * *

[See Prior Text in B]

C. ~~Persons who commingle the wastes described in Subsection B of this Section together with universal waste regulated under this Chapter, must manage the commingled waste under the requirements of this Chapter.~~ Conditionally exempt small quantity generator wastes that are regulated under LAC 33:V.108 and are also of the same type as the universal wastes defined in LAC 33:V.3813 may, at the generator's option, manage these wastes under the requirements of this Chapter.

D. ~~Small quantity generator wastes that are regulated under LAC 33:V.Chapter 39 and are also of the same type as the universal wastes defined in LAC 33:V.3813 may, at their option, manage these wastes under the requirements of this Chapter.~~ Persons who commingle the wastes described in Subsections B and C of this Section, together with universal waste regulated under this Chapter, must manage the commingled waste under the requirements of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1108 (June 1998), LR 24:1496 (August 1998), LR 24:1759 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:**.

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Chapter 39. ~~Small Quantity Generators~~Reserved.

' 3901. ~~Applicability~~Repealed.

~~Small quantity generators are subject to all the requirements of this Chapter and Chapter 11 except for those exclusions listed in this Chapter.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:237 (April 1987), LR 20:1109 (October 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 27:**.

' 3903. ~~Quantitative Limit~~Repealed.

~~A generator is a small quantity generator if he generates less than an average of 100 kilograms of hazardous waste per calendar month except as specified in LAC 33:V.3911. If the quantitative limit set forth in this Section is exceeded, the generator must renotify the Office of Environmental Services, Permits Division of his change in status and remain in that category for the next calendar year. At no time shall a small quantity generator generate over 1000 kilograms in a calendar month.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:237 (April 1987), repromulgated LR 18:1256 (November 1992), amended LR 20:1109 (October 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2496 (November 2000), repealed LR 27:**.

' 3907. ~~Reecyle~~Repealed.

~~A. The generator must notify the Office of Environmental Services, Permits Division of his on-site reuse/recycle activities in accordance with LAC 33:V.4103.~~

~~B. Hazardous waste that is recycled and that is described in LAC 33:V.4105.B and C.4 is not included in the quantity determinations referenced in this Chapter. Hazardous waste that is subject to the requirements of LAC 33:V.4113, 4115, 4139, and 4143 inclusive is included in the quantity determination of LAC 33:V. Chapters 1, 31, 39, 41, and 49 and is subject to the requirements of LAC 33:V. Subpart 1.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:1139 (December 1985), LR 20:1000 (September 1994), LR 20:1109 (October 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2496 (November 2000), repealed LR 27:**.

' 3911. ~~Acutely Hazardous Wastes~~ Repealed.

~~If a generator generates acutely hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acutely hazardous waste are subject to full regulation (LAC 33:V.Subpart 1):~~

~~A. a total of one kilogram of acutely hazardous wastes listed in LAC 33:V.4901.B, C, or E;~~

~~B. a total of 100 kilograms of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acutely hazardous wastes listed in LAC 33:V.4901.B, C, or E.~~

~~(Comment: "full regulation" means those regulations applicable to generators of greater than 100 kilograms of non-acutely hazardous waste in a calendar month.)~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:220 (March 1990), LR 20:1109 (October 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 27:**.

' 3913. ~~Accumulation Time~~ Repealed.

~~A small quantity generator may accumulate hazardous waste on-site. At no time is a small quantity generator allowed to accumulate more than a total of 1000 kilograms of his hazardous waste on-site. At no time is a small quantity generator allowed to accumulate his acutely hazardous wastes in quantities greater than set forth in LAC 33:V.3911. At no time is the small quantity generator allowed to store the material on-site longer than 365 days.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:237 (April 1987), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 27:**.

' 3915. ~~Requirements~~ Repealed.

~~The small quantity generator must:~~

~~A. comply with the manifest requirements in LAC 33:V.1107;~~

~~B. ensure delivery to an off-site storage, treatment or disposal facility, which, if located in the United States, is:~~

~~1. permitted under these regulations;~~

~~2. in interim status under these regulations;~~

~~3. authorized to manage hazardous waste by a state with a hazardous waste management program approved by the U.S. EPA; or~~

~~4. a facility which:~~

~~a. legitimately uses or re-uses, or legitimately recycles or reclaims, its waste; or~~

~~b. treats its waste prior to legitimate use or re-use or legitimate recycling or reclamation.~~

~~5. for universal waste managed under LAC 33:V.Chapter 38, a universal waste handler or destination facility subject to the requirements of LAC 33:V.Chapter 38.~~

~~C. all of the following will be required:~~

~~1. the date on which each accumulation period began shall be clearly marked and visible for inspection, as specified in LAC 33:V.1109.E.1.e;~~

~~2. while hazardous waste are being accumulated on-site, each container shall be marked clearly with the words "HAZARDOUS WASTE", as specified in LAC 33:V.1109.E.1;~~

~~3. all hazardous waste being stored on-site in containers or tanks prior to direct shipment to a TSD facility shall be regulated by LAC 33:V.Chapters 19 or 21. A security system shall be provided to insure that site ingress and egress by the public is controlled and that employees are protected from hazards to health resulting from contact with extremely hazardous operations;~~

~~4. the owner or operator shall inspect the facility to detect deterioration, malfunctions, operator errors, and discharges which may cause or lead to the following:~~

~~a. a release of hazardous waste~~~~Ca release of hazardous waste constituents into the environment;~~

~~b. a threat to human health~~~~Cthe owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment;~~

~~5. the owner or operator shall be required to submit to the Office of Environmental Services, Environmental Assistance Division an annual report for all hazardous waste shipped off-site. The annual report is due by March 1 of each calendar year covering the period of January 1 to December 31 of the previous year. The report will include the generator ID, the type of waste, the amount of waste, and the disposition of the waste;~~

~~6. a training program shall be developed and documented for all personnel whose duties may involve hazardous waste management or emergency response. This training must be a~~

~~program of classroom instruction or on the job training and must be directed by a person trained in hazardous waste management procedures. Records of this training must be kept on site. At a minimum, this program must:~~

- ~~a. teach facility personnel hazardous waste management procedures relevant to the positions in which they are employed;~~
- ~~b. ensure that personnel are able to respond effectively to emergencies by familiarizing them with procedures and equipment; and~~
- ~~c. be reviewed on an annual basis;~~

~~7. a small quantity generator is excluded from the specific contingency plan requirements under LAC 33:V.1117. However, the small quantity generator must have written emergency procedures which, at a minimum, must include:~~

- ~~a. emergency phone numbers; and~~
- ~~b. spill cleanup procedures.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:237 (April 1987), LR 16:220 (March 1990), repromulgated LR 18:1256 (November 1992), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 23:579 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1497 (August 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2496 (November 2000), repealed LR 27:**.

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Chapter 40. Used Oil

Subchapter A. Materials Regulated as Used Oil

' 4003. Applicability

This Section identifies those materials which are subject to regulation as used oil under this Chapter. This Section also identifies some materials that are not subject to regulation as used oil under this Chapter and indicates whether these materials may be subject to regulation as hazardous waste under this Subpart.

* * *

[See Prior Text in A - B.2.c]

3. Conditionally Exempt Small Quantity Generator Hazardous Waste. Mixtures of used oil and conditionally exempt small quantity generator hazardous waste regulated under LAC 33:V.108 are subject to regulation as used oil under this Chapter.

* * *

[See Prior Text in C - I]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended LR 22:828 (September 1996), LR 22:836 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1108 (June 1998), LR 25:481 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division LR 27:**.

Title 33
ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 41. Recyclable Materials

§4105. Requirements for Recyclable Material

Recyclable materials are subject to additional regulations as follows:

* * *

[See Prior Text in A – B.6]

~~7. all other recyclable materials specifically exempt from the requirements of Subchapters A and C of this Chapter which would otherwise meet the definition of hazardous waste; Reserved~~

* * *

[See Prior Text in B.8 – 10]

11. oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under LAC 33:V.4005;

~~12. Reserved;~~

~~13. wastes described in Subsection B.1-13 of this Section, which are used or reused on-site or stored at the generation site prior to such use or reuse on-site are exempt from these regulations except that on-site storage shall be in an environmentally sound manner.~~

* * *

[See Prior Text in C - F]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:219 (March 1990), LR 17:362 (April 1991), repromulgated LR 18:1256 (November 1992), amended LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:837 (September 1996), LR 23:579 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:685 (April 1998), LR 24:1108 (June 1998), LR 24:1742 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:**.

Title 33
ENVIRONMENTAL QUALITY
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Chapter 43. Interim Status

' 4301. Purpose and Applicability

* * *

[See Prior Text in A - D]

E. ~~Interim status facilities must comply with LAC 33:V.Chapters 3, 5, 9, 11, 15, 39, 41, 43, and 49.~~ The requirements of this Chapter apply to owners or operators of all facilities which treat, store, or dispose of hazardous waste referred to in LAC 33:V.Chapter 22, and Chapter 22 standards are material conditions or requirements of the LAC 33:V.Chapter 43 interim status standards.

* * *

[See Prior Text in F - I]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998), LR 25:482 (March 1999), LR 25:1466 (August 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2498 (November 2000), LR 27:***.

' 4313. General Waste Analysis

* * *

[See Prior Text in A]

B. The analysis may include data developed under LAC 33:V.Chapters 1, 31, ~~39~~, 41, 49 and existing published or documented data about the hazardous waste or about waste generated from similar processes.

* * *

[See Prior Text in Comment - F.3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:1057 (December 1990), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:**.

Subchapter I. Tanks

' 4438. Special Requirements For Generators of Between 100 and 1,000 kg/month That Accumulate Hazardous Waste in Tanks

A. The requirements of this Section apply to small quantity generators of more than 100 kg, but less than 1,000 kg, of hazardous waste in a calendar month, that accumulate hazardous waste in tanks for less than 180 days (or 270 days if the generator must ship the waste greater than 200 miles), and do not accumulate over 6,000 kg on-site at any time.

B. Generators of between 100 and 1,000 kg/month hazardous waste must comply with the following general operating requirements:

1. treatment or storage of hazardous waste in tanks must comply with LAC 33:V.4321.B;
2. hazardous wastes or treatment reagents must not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life;
3. uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank; and
4. where hazardous waste is continuously fed into a tank, the tank must be equipped with a means to stop this inflow (e.g., waste feed cutoff system or by-pass system to a stand-by tank).

[NOTE: These systems are intended to be used in the event of a leak or overflow from the tank due to a system failure (e.g., a malfunction in the treatment process, a crack in the tank, etc.)]

C. Generators of between 100 and 1,000 kg/month accumulating hazardous waste in tanks must inspect, where present:

1. discharge control equipment (e.g., waste feed cutoff systems, by-pass systems,

and drainage systems) at least once each operating day to ensure that it is in good working order;

2. data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day to ensure that the tank is being operated according to its design;

3. the level of waste in the tank at least once each operating day to ensure compliance with Subsection B.3 of this Section;

4. the construction materials of the tank at least weekly to detect corrosion or leaking of fixtures or seams; and

5. the construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).

[NOTE: As required by LAC 33:V.4317.C, the owner or operator must remedy any deterioration or malfunction he finds.]

D. Generators of between 100 and 1,000 kg/month accumulating hazardous waste in tanks must, upon closure of the facility, remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures.

NOTE: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with LAC 33:V.109.Hazardous Waste.4 or 5, that any solid waste removed from the tank is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of LAC 33:V.Chapters 11, 13, and 43.

E. Generators of between 100 and 1,000 kg/month must comply with the following special requirements for ignitable or reactive waste:

1. ignitable or reactive waste must not be placed in a tank, unless:

a. the waste is treated, rendered, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under LAC 33:V.4903.B or D, and LAC 33:V.4321.B is complied with; or

b. the waste is stored or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

c. the tank is used solely for emergencies.

2. the owner or operator of a facility that treats or stores ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in Tables 2-1 - 2-6 of the National Fire Protection Association's *Flammable and Combustible Liquids Code*, (1977 or 1981) (incorporated by reference, see LAC 33:V.110).

F. Generators of between 100 and 1,000 kg/month must comply with the following special requirements for incompatible wastes:

1. incompatible wastes, or incompatible wastes and materials, must not be placed in the same tank, unless LAC 33:V.4321.B is complied with; and

2. hazardous waste must not be placed in an unwashed tank that previously held an incompatible waste or material, unless LAC 33:V.4321.B is complied with.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:**.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental QualityC Hazardous Waste

Chapter 49. Lists of Hazardous Wastes

' 4901. Category I Hazardous Wastes

* * *

[See Prior Text in A - Comment]

Hazard codes are defined as follows for the listed hazardous wastes.

Ignitable waste	(I)
Corrosive waste	(C)
Reactive waste	(R)
Toxicity Characteristic waste	(E)
Acute hazardous waste or acutely hazardous waste	(H)
Toxic waste	(T)

1. Each hazardous waste listed in this Chapter is assigned an EPA Hazardous Waste number, which precedes the name of the waste. This number must be used in complying with the notification requirements of Section 3010 or 105.A of the act and certain recordkeeping and reporting requirements under LAC 33:V.Chapters 3-29, 31-398, and 43.

2. The following hazardous wastes listed in LAC 33:V.4901.B and C are subject to the exclusion limits for acutely hazardous wastes established in LAC 33:V.Chapter 39108: EPA Hazardous Wastes Numbers F020, F021, F022, F023, F026, and F027.

* * *

[See Prior Text in B - D.4.Comment]

E. The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in LAC 33:V.4901.D.1-4 are identified as acute hazardous wastes (H) and are subject to the small quantity exclusions defined in LAC 33:V.3911108.E. These wastes and their corresponding EPA Hazardous Waste Numbers are listed in Table 3.

* * *

[See Prior Text in E.Comment - Table 3.Note 1]

F. Commercial chemical products or manufacturing chemical intermediates or off-specification commercial chemical products referred to in LAC 33:V.4901.D.1-4 are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity generator exclusion defined in LAC 33:V.~~3903, 3913, and 3915.A and C~~108.A and G. These wastes and their corresponding EPA Hazardous Waste Numbers are listed in Table 4. [Comment: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). Absence of a letter indicates that the compound is listed only for toxicity.]

* * *

[See Prior Text in Table 4 - G.Table 6]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:320 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 14:426 (July 1988), LR 14:790 (November 1988), LR 15:182 (March 1989), LR 16:47 (January 1990), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 16:1057 (December 1990), LR 17:369 (April 1991), LR 17:478 (May 1991), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:829 (September 1996), LR 22:840 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1522 (November 1997), LR 24:321 (February 1998), LR 24:686 (April 1998), LR 24:1754 (September 1998), LR 25:487 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:**.

' 4907. Criteria for Listing Hazardous Waste

* * *

[See Prior Text in A - B]

C. the administrative authority shall use the criteria for listing specified in this Chapter to establish the exclusion limits referred to in LAC 33:V.108.C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:478 (May 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:**.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES LOG #: HW075F**

Person

Preparing

Statement: Thelma Y. Jenkins-AnthonyPhone: (225) 765-0399Dept.: Environmental QualityOffice: Environmental Assessment

Return

Address: P.O. Box 82178

Rule

Title: Small Quantity GeneratorBaton Rouge, LA 70884Revisions - LAC 33:V.Chapters
1, 3, 9, 11, 13, 15, 22, 30, 38,
39, 40, 41, 43, and 49.

Date Rule

Takes Effect: Upon Promulgation

SUMMARY

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL
GOVERNMENTAL UNITS (Summary)**

No implementation costs or savings to state or local governmental units are expected as a result of this rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL
GOVERNMENTAL UNITS (Summary)**

There should be no effect on revenue collections of state or local governmental units as a result of implementation of this rule. This rule, together with HW075L, which is being concurrently promulgated, will re-instate the notification and the annual \$50 fee requirements under the present regulation.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED
PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

The majority of conditionally exempt small quantity generators, that would be affected by this rule, are small businesses. These businesses would realize a small savings from the elimination of paperwork involved with preparation of the manifest and annual report, training expenses for staff attending annual report workshops, and the mailing costs for the manifest and annual report.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment are not expected to be significantly effected as a result of the

implementation of this rule.

Signature of Agency Head or Designee
DESIGNEE

James H. Brent, Ph.D., Assistant Secretary
Typed Name and Title of Agency Head or Designee

Date of Signature
LFO 7/1/94

LEGISLATIVE FISCAL OFFICER OR

Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule will make Louisiana's classification and hazardous waste management requirements for small quantity generators equivalent to federal requirements.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

Louisiana's present classification system for small quantity generators of hazardous waste differs from the EPA small quantity generator classification system. The differences have resulted in confusion and unnecessary paperwork, with no environmental benefit.

- C. Compliance with Act II of the 1986 First Extraordinary Session

(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No, there will be no increase in the expenditure of funds.

2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) ____ Yes. If yes, attach documentation.

(b) ____ No. If no, provide justification as to why this rule change should be published at this time.

This section is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

There is no anticipated change in costs to implement the proposed action.

COSTS	FY 00-01	FY 01-02	FY 02-03
PERSONAL SERVICES			
OPERATING EXPENSES			
PROFESSIONAL SERVICES			
OTHER CHARGES			
<u>EQUIPMENT</u>			
TOTAL	0	0	0
<u>MAJOR REPAIR & CONSTR.</u>			
<u>POSITIONS(#)</u>	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

This section is not applicable.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 00-01	FY 01-02	FY 02-03
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
DEDICATED FEDERAL FUNDS			
<u>OTHER (Specify)</u>			
TOTAL	0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

No additional funding is necessary to implement the proposed rule.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

No implementation cost or savings to local governmental units are expected as a result of this rule.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

This section is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT**WORKSHEET****II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS**

- A. What increase (decrease) in revenues can be anticipated from the proposed action?

There should be no effect on revenue collections of state or local governmental units as a result of implementation of this rule. This rule together with HW075L, which is being concurrently promulgated, will re-instate the notification and the annual \$50 fee requirements under the present regulation.

REVENUE INCREASE/DECREASE	FY 00-01	FY 01-02	FY 02-03
STATE GENERAL FUND			
AGENCY SELF-GENERATED	0	0	0
RESTRICTED FUNDS*			
FEDERAL FUNDS			
<u>LOCAL FUNDS</u>			
<u>TOTAL</u>	0	0	0

*Specify the particular fund being impacted.

- B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

This section is not applicable.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The majority of conditionally exempt small quantity generators, that would be affected by this rule, are small businesses. These businesses would realize a small savings from the elimination of paperwork involved with preparation of the manifest and annual report, training expenses for staff attending annual report workshops, and the mailing costs for the manifest and annual report.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

This section is not applicable.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rule will have no effect on competition and employment.